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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,155	09/30/2003	Einat Amitay	IL920030030US1	5555

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EXAMINER

LABAZE, EDWYN

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

3/

<b>Office Action Summary</b>	<b>Application No.</b> 10/675,155	<b>Applicant(s)</b> AMITAY ET AL.	
	<b>Examiner</b> EDWYN LABAZE	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1312005</u> . | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2876

### **DETAILED ACTION**

1. Receipt is acknowledged of IDS filed on 1/31/2005.
2. Claims 1-60 are presented for examination.

### ***Claim Objections***

3. Claims 1, 2 are objected to because of the following informalities:

Re claim 1 (page 17, line 2): There is no antecedent basis for the limitation "the vicinity".

The applicant is respectfully requested to substitute "the vicinity" with "a vicinity".

Re claim 2 (page 17, line 4): There is no antecedent basis for the limitation "the same space". The applicant is respectfully requested to substitute "the same space" with "a space" or amend claim 1 so as incorporate the new limitation "a space".

The applicant is also respectfully requested to amend any other minor informalities {even if not mentioned above, as of in claims 18, 25, 29 and so on} so as to render the claimed in a proper format for allowance.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Bauer et al. (US 2003/0216969).

Re claims 1, 25, and 53: Bauer et al. discloses inventory management system, which includes an index {herein the index is broadly interpreted as database 215} to list physical items {such as food, article of clothing, sporting goods, and the like} in the vicinity of a user of the index (paragraphs 36+, 102+, 125+).

Re claims 2, 8, 17, 22, 26, 30, 36, 45, 50, 54, and 58: Bauer et al. teaches a system and method, wherein the vicinity is within a space as the user and the space is one of a store, library a shelf, an aisle, within given radius, a street, a city, a campus, a building, an area and a park {herein Bauer et al. teaches that the environment 110-1 to 110-N may represent a retail outlet store} (paragraphs 27-28).

Re claims 3, 27, 31, 55, and 59: Bauer et al. discloses a system and method, wherein about the information of the physical item includes information found on tags {herein each item may be associated with an RFID tags that includes item information associated with the respective item} associated with the physical items (paragraphs 31+).

Re claims 4, 28, 32, 56, and 60: Bauer et al. teaches a system and method, wherein the information comprises a description of the physical items and their locations {herein the inventory 170 may represent items that are physically located or actually/currently resting on a store shelf} (paragraphs 30+, 56+, 89+).

Re claims 5 and 33: Bauer et al. discloses a system and method, comprising a personal index {herein database 215} (paragraphs 36+, 102+, 125+); a personal index generator updater {herein interpreted as the alert monitor 239 so as to send a message and inform the user that a

pending item known to be in an alternative location, and wherein other messages may include that an out of stock item, a price change and the like} to update the personal index with information about items within a changeable space in the vicinity of the person (paragraphs 119+). Bauer et al. further teaches a location-based index (paragraphs 111-112).

Re claims 6, 15, 34, and 43: Bauer et al teaches a system and method, comprising a search engine {herein perform through the recall task 233} to search for items with a personal index 215 (paragraphs 102+; 184, 191-202).

Re claims 7, 9, 16, 21, 35, 37, 44, and 49: Bauer et al. discloses a system and method, comprising a ranker {herein interpreted as filter for filtering or categorizing/classifying an output search} for ranking the output of a search engine (paragraphs 191-202).

Re claims 10-11, and 38-39: Bauer et al. teaches a system and method, comprising a location sensor {herein proximity sensors} to sense the location of a person and to provide the location to a server, and comprising a receiver {herein incorporated within the peripheral device 255 coupled to the controller 266 for receiving information about an item using radio frequency communication system} to receive information about items within the vicinity from the receiver (paragraphs 141-159; 210+).

Re claims 12 and 40: Bauer et al. discloses a system and method, further comprising a space-wide index {herein interpreted as the item inventory 170, which includes all items within the outlet store} comprising information about items in physical space larger than the vicinity of person (paragraphs 112+, 203-205, 225+); a personal index builder to search the space-wide index for the items in the vicinity of the location ant to provide the information about the items to the personal index updater (paragraphs 119+).

Art Unit: 2876

Re claims 13, 19, 41, and 47: Bauer et al. teaches a system and method, further comprising a space-wide index updater {herein interpreted as alert pages 440/442/444} to update the space-wide index with information about items in the physical space (paragraphs 201-207).

Re claims 14 and 42: Bauer et al. discloses a system and method, comprising a space filter to provide the space-wide index updater only with information from items within the physical space (paragraphs 200-202).

Re claims 18 and 46: Bauer et al. teaches a system and method, comprising a location sensor to sense the location of a person (paragraphs 142+, 210+); a space-wide index comprising information about items in a physical space larger than the vicinity of the person (paragraphs 112+, 203-205, 225+); a search engine to search said space-wide index for the items in the vicinity of said location which are requested by said person (paragraphs 119+).

Re claims 20 and 48: Bauer et al. discloses a system and method, wherein said location sensor comprises a unit to read a tag worn by the person {herein Bauer et al. teaches a customer may be provided with an RFID-based customer card that includes an RFID tag containing information concerning or identifying a customer} (paragraph 144), the unit being one of the following: an optical reader, a video camera, an infrared detector and an RF tag reader (paragraphs 149-153).

Re claims 23 and 51: Bauer et al. teaches a system and method, wherein the vicinity is a space {herein a single shelf, aisle or gondola} smaller than the physical space {herein a retail outlet store} (paragraph 145+; 197-205).

Re claims 24 and 52: Bauer et al. discloses a system and method, also comprising a logger to log at least the movement of items in said physical space and the searches performed

Art Unit: 2876

by said search engine and a recommender to recommend items to said person based on the results of said logger (paragraphs 85, 90, 94, 185; also see claims 25, 84, 142).

Re claims 29 and 57: Bauer et al. teaches a system and method comprising dynamically storing {through the memory 202} in an index physical item in the changing vicinity of a user of the index (paragraphs 127-136).

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Engellennner (U.S. 6,388,569) discloses electronic locating methods.

Swartzel et al. (U.S. 6,844,821) teaches electronic display system tag, related interface protocol and display methods.

Berquist et al. (US 2002/0185532) discloses RFID data collection and use.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2876

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el

Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
May 19, 2006



**THIEN M. LE**  
**PRIMARY EXAMINER**